App F IX 4

Previous References

1943-44 Municipal File No. 187-43

Serial Nos. 2

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

10

Part B for March 1944

SUBJECT

Suspension of ~~licences~~ licence by the Commissioner, issued by the Shikarpur Municipal Council to Tr/Sh. Mahadevappa Proprietor Mahasabha Mandir for putting up a Rice Mill on site ~~No~~ bearing K. No. 222

The Deputy Commissioner
Shimoga Dist

L No 9946 M/187-43-2 dated 1944
Approving the action taken
by the Depty. Commissioner.

1317

Sub:- Cancellation of license issued to Sri H. Mahalingappa

3735

Letter to DB C 2984/42-43 dt 14-12-43 from the DC Shimoga Dist
Requesting approval to his action in having suspended
a license issued by the Shikaripur Town MCL to Sri
H. Mahalingappa

1) The Shikaripur Town MCL issued a license to
Sri H. Mahalingappa, Shikaripur for erecting a Rice-Mill on
Site bearing Khane Shumari No 222

2) Messrs B. Virupappa & Channabasappa, the
proprietors of the Sri Renukeshwara Rice Mills, Shikaripur
filed an objection petition to the DC's Office for
the cancellation of the license issued to Sri Mahalingappa

3) Some of the residents represented to the Muslim Jamayat of
Shikaripur Town applied to the DC on 1-11-43 protesting against
the grant of the license to Sri Mahalingappa and obtained an
order restraining the Sri Mahalingappa from proceeding
with the construction of a building for Rice Mill

4) Finally, the residents of Shikaripur applied to the Court and obtained an injunction
temporarily restraining the Sri Mahalingappa from proceeding
with the construction of a building for Rice Mill

5) In these circumstances, the DC has suspended
the license issued by the MCL to Sri
Mahalingappa & requests approval to his action
in this behalf under S. 194 (1) (j) of D & TA Act, 1933

13/1

A 6) The Law section may be consulted
if the order of the DC Shimoga
dtd suspending the results of the
Shikaripur Town MCL in this behalf
is in order, in the lines of the
case cited, the spirit of the
MCL will have to be maintained as
also
it may be confirmed the order may not be

SECY L.S. 6/1/44

Law Asst
15/1/44

7) CS
17-1-44
AS 17/1/44

8) In favour of giving
on the point referred to at
on the previous page

Asst Sec
Law Section) for
18/1/44

9) 19/1/44

10) Her Majesty's passport to be issued to her
has restrained by Court, by a temporary injunction-order,
from starting the construction on the site. Before that,
the matter is carefully considered in dispute before the Deputy
Chairman" after hearing both the parties, the D C has passed
an order under sec 194 of the T & C Act - Staying the
execution of the order issued by
the Council (Ex) I think,
the reasons advanced stated by the D C in his order, justify
the D C for his order in the case, because, of the
fact is not disputed, there is every likelihood of the enjoyment
or annoyance being caused to the Muslim Public about
may eventually lead to a breach of the peace. Hence
the D C has acted rightly & his order may be confirmed &
8885 after hearing the objection of any from the Municipal Council

3
Law Secretary, 28/4/44

11) Secs
29-2-44

Asst Secy
L&G)
3
28/4/44

12) Pl put up the further reference required
by the Chief Minister
for
1/5/44

Suspending the license issued to Proprietor, Maharaja Mandi Shahkarpur from H Maharaja to set up a rice mill.

Continuation Sheet | File No / Current No | of | Page 2

Letter no MSC 1004/43-44 dt 5 4 44 from the Dc Shahkarpur Distt in forwarding a copy of the resolution of the Shahkarpur Municipal Committee for the order of suspension of the license issued in favour of Mr H S Naha engaged to raise a rice mill in the said area

13) The Law Section which was consulted (vide para 10 supra) opines that the order of the Dc may be confirmed in the circumstances

14) Submitted orders

15) The Shahkarpur Municipal are also agreeable to the order of suspension passed under Sec 19 (e) of the Myanmar Town Rules Act 1933 by the Dc thereon being confirmed Hence the Dcs action in this case may be ratified regularised from date of Appn

Law Sec 87 Num

The order of the Dc may be confirmed as the conduct is also agreeable

Marked S 9

Sec 6-3 44

Jon

Sec

11 3-44

Sec please

141 Num

SECTT DEPTT GOI AGS 1 E 14

OFFICE OF THE MINISTER FOR L S G & P H Date 10 7 44 No 6198

17 MAR 1944

WD 01502—GPB—60,000—26-1 43

C F No 45]

187-43-1

GOVERNMENT OF MYSORE

GEN & R V SECTT 3739 16 DEC 1943 L S G BRANCH

Telegram
phone

OFFICE OF The Deputy Commissioner
Shimoga District,
Shimoga

No M3.C.2984/42-43
Encls One

Dated 14th December 1943

SECY Law GOVT OF MYSORE

To

The Secretary to Government,
Law Department,
Bangalore

Sir

Subject Suspending the license issued by the Shikaripur Town Municipal Council, to Mr Honnasettara Mahalingappa - Proprietor Mahasati Mandi - Shikaripur Town to put up a Rice-Mill on site bearing Khaneshmari No 222 -

I have the honour to state, that the Shikaripur Town Municipal Council issued a license to Mr Honnasettara Mahalingappa - Proprietor Mahasati Mandi - Shikaripur Town, for constructing a Rice-Mill, on site bearing Khaneshmari No 222

2 Messrs S Veerabasappa and Channabasappa, proprietors of the Sri Renukeswara Rice Mills, Shikaripur Town, petitioned to this office on 24-9-43 and 28/9/43 for ordering the cancellation of the licenses granted by the Municipality to Mr Mahalingappa, Proprietor of the Mahasati Mandi, on grounds that (1) the proposed construction of the new Rice Mill would be within 8' to 10' of the petitioners Rice Mill and that the proximity of the proposed Mill would create unhealthy competition and that the construction of the Mill building would also cause great inconvenience, to the patients in the Hospital which is near by to the proposed mill

3 On obtaining a detailed report from the Municipal President in the matter, I inspected the spot during my visit to Shikaripur Town on 20-10-43

4 I have heard both the parties through their respective counsels

5 In the mean while Zainulabdin and patel Kamal Sab Muslim residents and Members of the Muslim Jamayat, Shikaripur Town petitioned to this office on 1-11-43, objecting to the grant of license by the Shikaripur Town Municipality to the proprietor of the Mahasati Mandi for constructing a Rice a Rice Mill on site no 222, on the ground that the said,

site forms part of Muslim Grave yard, and the digging up the Grave yard for purpose of the proposed Rice Mill would hurt the religious feelings deeply and that in view of this the Mahasati Mandi people might be restrained from entering upon the Grave yard

6 There is also civil litigation against the owner-ship of the site (bearing Khaneshumari No 222) which is selected for the proposed Rice Mill and the Muslims of Shikaripur Town have approached the civil court and obtained temporary injunction orders in original suit No 161/43-44 and 162/43-44 from the Munsiff, Sagar The Civil Court, Sagar, has issued temporary injunction orders against the present license holder Mr Mahalingappa restraining him from raising any construction on the suit property in question and putting the said property for any further use what so-ever, pending disposal of the suits

7 In view of the court order, I have suspended the Municipal license granted by the Shikaripur Town Municipal Council, to Mr. Mahalingappa, (for the purpose stated above), under section 194 (1) of the Town Municipalities Act I forward herewith a copy of my order No M3 P L 194-C 1004/43-44 dated 9th December 1943, issued in this connection for favour of reference The circumstances, under which the license has been suspended are fully explained therein

8 I request that, my action may kindly be upheld until such time as the Muslim community clearly establish their right in a civil court and get the decision

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner
Shimoga District

SVR

C F No 45]

GOVERNMENT OF MYSORE

Telegram / phone

No M3.C.1004/43-44
Encls

OFFICE OF
the Deputy Commissioner
Shimoga District,
Shimoga,
Date 5th February 1944

To

The Secretary to Government,
Law Department,
BANGALORE

Sir

Subject - Suspending the License issued by the Shikaripur Town Municipal Council to Mr Honna Settara Mahalingappa- Proprietor, Mahasati Mandi Shikaripur Town to put up a Rice Mill on site bearing Khanishmari No 222

In inviting reference to this office letter No M3 C 1004/43-44 dated 14th Decr 43 addressed to you on the subject noted above, I have the honour to state that a copy of my order was sent to the President, Shikaripur Town Municipality for obtaining the views of the Municipal Council in the matter, as required under proviso to Section 194/(2) of the Town Municipalities Act

The Municipal President States that the Municipal Council considered the several aspects mentioned in this office order dated the 9th Decr 43, at its meeting held on 10-1-44, when a resolution was passed to the effect that the decision of the Deputy Commissioner might be "ratified" vide resolution copy enclosed for favour of reference

In view of this resolution of the Municipal Council and inview of the facts already explained in my letter No M3C 2984/43-44 dated 14th December 1943, I request that my action in having suspended the issue of License may kindly be upheld until such time as the Muslim Community clearly establish their right in a Civil Court and get the decision

I have the honour to be,
Sir,
Your most obedient servant

for Deputy Commissioner,
Shimoga District

CRR/1

8

Appendix F G —1]

SUBJECT

Section NL

File No

Serial No

Diary No of letter replied to

No L 8 496

General and Revenue Secretariat

( )

the *194*

To

The D.C. Shimoga Dist

Date of issue 14/7

Sir,

Signed by

With reference to your letter No D3 C 1054/43-44 dt 5-2-44 on the subject of the suspension of the license issued by the Shikarpur Town Municipal to Mr H S Mahalingappa, I am directed to state that the Copy of the Resolution passed by the Shikarpur Municipal Ratifying the decision of the D.C. Shimoga to have been Enclosed to your letter under reference has not been received here & the Same may be arranged to be sent early

List of enclosures

Codied by

Examined by

WD 04161—GPB—60 000—24 10 41

Sec. to Govt

6404 M43

No M3 C 1004/43444.
Lncs 2

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT

Dated Shimoga, the 22nd Feb. 1944

GEN & REV SECRETARIAT 5433 25 FEB 1944 L S G BRANCH

FROM

~~MXSHSMAMXXXXXXXXXXX~~
The *Deputy Commissioner, Shimoga District*

To

The

Secretary to the Government of His Highness the Maharaja of Mysore
L A V *Department, BANGALORE*

Subject — Suspending the license issued by the Shikarpur Town Municipal Council to Mr, Honnasettara Mahalingappa, Proprietor -Mahasati Mani- Shikarpur Town, to put up a Rice Mill on site bearing K No 222

SIR

With reference to your letter No L 8496/M1 14-2-1944 on the above subject, I have the honour to forward herewith in original for favour of reference of the report No B L 1/43-44 dated 12-1-1944 along with a copy of the resolution of the Municipal Council dated 10-1-1944 received from the Municipal President, Shikarpur, in the matter as desired

I have the honour to be,
Sir,
Your most obedient servant,
For Deputy Commissioner,
Shimoga District

HS/1

10

Appendix F G—1]

SUBJECT Suspending the license issued by the Shikarpur Town Municipality to Mr H Mahalingappa, proprietor, Mahalaxmi Nandra, to put up a Rice Mill on Sale bearing K No 222

Section N-1
File No 187-43
Serial No 9

Diary No of letter replied to

No L 9946

To

The Dy Shikarpur Dist

Sir,

With Reference to the Correspondence ending with your letter No N3 C 1004/43-44 dt 22.2.44 on the above subject, I am directed to convey the approval of Govt to your action in having suspended, under Section 194 of the Bijapur Dist Municipal Act, 1933, the license issued by the Shikarpur Town Municipality to Mr H Mahalingappa for the erection of a Rice Mill.

The records accompany ✓

March

for Sec to Govt-Local Bodies

General and Revenue Secretariat

( )

the *194*

Date of issue 23/3/44

Signed by for GRR

List of enclosures

Copied by

Examined by

for the order will remain in force till such time as the matter is cleared up to their satisfaction

WD 04161—GPB—60 00—24 1944

14/3